



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/649,165

08/27/2003

Louis Ellman

ELLIO.P0201

4765

28752 7590 02/18/2009
LACKENBACH SIEGEL, LLP
LACKENBACH SIEGEL BUILDING
1 CHASE ROAD
SCARSDALE, NY 10583

EXAMINER

STRANGE, AARON N

ART UNIT

PAPER NUMBER

2453

MAIL DATE

DELIVERY MODE

02/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/649,165

Applicant(s)

ELLMAN, LOUIS

Examiner

AARON STRANGE

Art Unit

2453

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Examiner would like to note that the present application has been reassigned to a new Examiner.
2. In the interest of expedited prosecution, the Examiner would like to recommend conducting an interview prior to filing a response to the present Office action. The Examiner feels that an interview would help foster a mutual understanding of the respective positions of Applicant and the Examiner, and assist in the identification of allowable subject matter and/or issues for appeal. If Applicant agrees that an interview would be beneficial, he/she is encouraged to contact the Examiner to schedule one.

Specification

3. The amendment filed 11/25/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Fig. 7 and its accompanying description (§6 of the specification amendment presented 11/25/2008). Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

4. Claim 2 objected to because of the following informalities: There appears to be a typographical error "an icon having a the URL embedded therein" in line 2. Appropriate correction is required.

Response to Arguments

5. Applicant's arguments filed 11/25/2008 have been fully considered and are individually addressed below.

6. With regard to the rejection of claim 12 under 35 U.S.C. § 112, first paragraph, and Applicant's assertion that page 23 of the specification provides written description support the clothing to transmit the URL (Remarks 11), the Examiner respectfully disagrees. The specification simply states that the "present invention can be used in clothing", but fails to specify how to transmit the URL using the clothing.

In the interest of expedited prosecution, it appears that Applicant may have intended to claim a transmitter attached to clothing (*See e.g.*, p. 20, ll. 13-16). Such a claim limitation is described by the specification, and the Examiner recommends amending claim 12 to claim a transmitter attached to clothing.

However, since the claim does not currently recite a transmitter attached to the clothing, and fails to describe transmission of a URL using clothing alone, the rejection is maintained.

The rejection of claim 12 based on enablement has been withdrawn as being unnecessarily cumulative.

7. Applicant's arguments with respect to the rejection of claims 1, 2, 11 and 21 under 35 U.S.C. § 112, second paragraph, have been considered and are persuasive. That rejection has been withdrawn.

8. With regard to the rejection of claims 12 and 22 under 35 U.S.C. § 112, second paragraph, Applicant asserts that amendments have been made "to claims 12 and 22 to more distinctly claim the subject matter". However, claims 12 and 22 have not been amended, so the rejection is maintained.

9. With regard to the rejection of claims 4, 14 and 24 under 35 U.S.C. § 112, second paragraph, Applicant asserts that the term "substantially constantly" is definite and allows for "constant transmission of the URL, but with an allowance for phase interruptions, timing fluctuations, flicker and the like" (Remarks 12-13). However, Applicant has failed to define the term "substantially constantly" in the claims or the specification, and has failed to provide any mechanism for determining the amount of "phase interruptions, timing fluctuations, flicker and the like" that may occur when "substantially constantly" transmitting the URL.

Lacking a standard for determining the difference between "constantly" and "substantially constantly", one of ordinary skill in the art would not be reasonably apprised of the scope of the invention, and the claim is indefinite.

10. With regard to the rejection of claims 1 and 21 under 35 U.S.C. § 103(a), and Applicant's assertion that Mankoff "is not in the same field of endeavor" because "there are no provisions in Mankoff for transmitting a URL in any other mode other than in synched mode" (Remarks 13-14), the Examiner respectfully disagrees. Mankoff teaches

that the PDA device may receive the URL directly from the server via the internet (col. 5, ll. 7-20).

Additionally, it is noted that Liu teaches a substantial portion of the claimed invention, including storing, transmitting and selectively activating (subsequent viewing and use) an advertisement, and that Mankoff has been relied upon merely for teaching inclusion of a URL in an advertisement send to a portable device, wherein the URL may subsequently be activated to access a web page.

11. With regard to the rejection of claim 12 under 35 U.S.C. § 103(a), and Applicant's Assertion that "the claim refers to actual clothing serving as the display platform and is not directed to an advertisement" (Remarks 14), the Examiner respectfully disagrees. It is noted that the current claim language merely states that the display is a "clothing display" and the "clothing is enabled to transmit the URL", and is not limited to clothing serving as the display. The broadest reasonable interpretation of a "clothing display" includes a display containing information about clothing.

The Examiner recommends amending the claim to recite a limitation similar to "wherein the information display is an article of clothing comprising an attached transmitter enabled to transmit the URL". Such a claim would overcome the pending 35 U.S.C. §112, first paragraph rejection, and would clarify that the display itself is an article of clothing rather than a display about clothing.

12. With regard to the rejection of claim 3 under 35 U.S.C. § 103(a), and Applicant's assertion that "Billmaier teaches that the data relevant to the purchase is stored at the display, not the hand held receiver" (Remarks 14-15), it is noted that Billmaier was relied upon merely for its general teaching of displaying icons on a television to enable purchase of a product, and was not intended to be bodily incorporated into Liu, Mankoff or Miyazawa. When considered in combination, the references would have taught and/or suggested to one of ordinary skill in the art the use of a mobile device to obtain URL from a display source having no pre-existing connection to the device user. It necessarily follows that any information necessary for executing a transaction associated with the URL would come from the device itself.

13. With regard to the rejection of claims 4, 9, 15, 19, 24, and 29 under 35 U.S.C. § 103(a), and Applicant's assertion that "the transmitter of Fisher is not an active transmitter" (Remarks 15), the Examiner respectfully disagrees. Fisher discloses that the information is "substantially constantly" available to users, since they may request the information at any time by simply pressing a button (¶54) and the displays are updated with new information every 10 minutes (¶46).

While Applicant argues that Fisher fails to disclose "that the transceiver ... supplies the energy to cause the transmitter to transmit" (Remarks 15), the claims contain no limitations requiring this to occur, so this argument is not persuasive. Furthermore, if the transceiver supplied the energy required for the transmitter to transmit, the transmitter would be *passive*, not active.

14. With regard to the rejection of claim 6 under 35 U.S.C. § 103(a), and Applicant's assertion that there is no indication "that the dialing is the result of data retrieved with the URL from the target" (Remarks 16), it is noted that IBM was relied upon merely for its teaching of auto dialing a phone number in response to information received from a computer. When considered in combination, the references would have taught and/or suggested to one of ordinary skill in the art auto-dialing the number included in the contact information received with an advertisement (Mankoff; col. 3, ll. 50-62).

Claim Rejections - 35 USC § 112

15. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

16. Claims 2, 3 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

17. With regard to claim 3, the specification fails to describe an "air mouse capable of activating the icon to cause the display to transmit the scanned data so as to place the

URL into a browser of a user's home computer". The specification fails to describe the display transmitting the scanned data directly into a browser of a user's home computer. The specification describes that the URL may be transmitted to a transceiver and then transmitted to a browser of a user's home computer in a second operation (Spec 21-22), but fails to describe transmitting directly to the browser in a single operation.

18. With regard to claim 12, the subject matter of enabling the clothing to transmit the URL is not disclosed. It appears that Applicant may have intended to claim a transmitter attached to clothing (*See e.g.*, p. 20, ll. 13-16). Such a claim limitation is described by the specification, and the Examiner recommends amending claim 12 to claim a transmitter attached to clothing.

19. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

20. Claims 4, 12, 14, 22 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

21. Claims 12 and 22 recites the limitation "the information display" in line(s) 1-2. There is insufficient antecedent basis for this limitation in the claim.

22. The term "substantially constantly" in claims 4, 14, and 24 is a relative term which renders the claim indefinite. The term "substantially constantly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 1, 5, 7, 10-13, 16, 17, 20-23, 26, 27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US 2002/0077896) in view of Mankoff (US 6,385,591).

25. In regards to claims 1 and 21 Liu et al. discloses, a system and method of facilitating the dissemination of information comprising:

- a. a target (**fig. 1 #110**) comprising:
 - i. an information display that is visible to a plurality of interested users (**fig. 1 #112**);

- ii. a memory assembly for storing a information for a web-site related to the display (**fig. 6 #616**);
- iii. a transmitter assembly adapted to transmit the information (**fig. 6 #610, ¶0049 line(s) 1-10, and ¶0065 line(s) 5-8**); and
- iv. an identifier (**advertisement**) that indicates to the plurality of users that the target comprises the memory assembly and transmitter (**¶0028 line(s) 4-7**),
- v. whereby a respective interested user upon seeing the display **fig. 1 #112**) and graphic identifier (**advertisement**) may use a respective hand-held transceiver (**fig. 1 #118-#122**) to receive the information transmitted by the target and selectively activate the information independent of the target (**¶0053 line(s) 3-4, 12-13**).

Liu et al. do not teach a storing, transmitting, or selectively activating a URL sent by a target.

In the same field of endeavor Mankoff teaches it is obvious to downloading/sending URLs to a hand-held transceiver by downloading a coupon from a client (target) to a PDA (hand-held transceiver), that includes contact information associated with the coupon provider (e.g. address, web site URL, map and email information) (**Col. 3 line(s) 55-62, Col. 4 line(s) 18-20, 23-25**). Furthermore, the URL can be selected without being in contact with the target (**Col. 4 line(s) 25-28, 35-36**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system with Mankoff's teaching as discussed above to allow for the capability of downloading requested information and associated contact information for future contacting.

26. In regards to claims 5 and 25 Liu et al. discloses, wherein the transmitter is a passive transmitter, whereby the respective hand-held transceiver is adapted to provide energy that activates the transmitter (**¶0064 line(s) 1-5**).

27. In regards to claims 7, 17, and 27 Liu et al. do not teach, wherein the URL is a specific embedded page of a website.

In the same field of endeavor Mankoff teaches it is obvious to downloading/sending URLs to a hand-held transceiver by downloading a coupon from a client (target) to a PDA (hand-held transceiver), that includes contact information associated with the coupon provider (e.g. address, web site URL, map and email information). Wherein the URL is directed to the specific product of the coupon (**Col. 3 line(s) 55-62, Col. 4 line(s) 18-20, 23-25**).

28. In regards to claims 8, 18, and 28 Liu et al. do not teach, wherein the URL is received by a respective hand-held transceiver operated by respective interested user

only when the respective interested user initiates communication with the transmitter, whereby the URL is selectively received.

In the same field of endeavor Mankoff teaches it is obvious to downloading/sending URLs to a hand-held transceiver by downloading a coupon from a client (target) to a PDA (hand-held transceiver), that includes contact information associated with the coupon provider (e.g. address, web site URL, map and email information). Wherein the URL is not received until the user initiates the downloading of the coupon from the client **(Col. 3 line(s) 55-62, Col. 4 line(s) 18-20, 23-25)**.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system with Mankoff's teaching as discussed above to allow for the capability of downloading requested information and associated contact information for future contacting, that the user is interested in.

29. In regards to claim 10 Liu et al. discloses, wherein the information is targeted to a male or female depending on information in the respective hand-held transceiver **(¶0067)**.

In the same field of endeavor Mankoff teaches it is obvious to downloading/sending URLs to a hand-held transceiver by downloading a coupon from a client (target) to a PDA (hand-held transceiver), that includes contact information associated with the coupon provider (e.g. address, web site URL, map and email information) **(Col. 3 line(s) 55-62, Col. 4 line(s) 18-20, 23-25)**.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system with Mankoff's teaching as discussed above to allow for the capability transmitting a URL specific to a user's interest, whether it is male or female.

30. In regards to claim 11 Liu et al. discloses, a system of facilitating the dissemination of information comprising:

- b. a target (**fig. 1 #110**) comprising:
 - vi. a display that is visible to a plurality of interested users (**fig. 1 #112**);
 - vii. a memory assembly for storing a information for a web-site related to the display (**fig. 6 #616**);
 - viii. a transmitter assembly adapted to transmit the information (**fig. 6 #610, ¶0049 line(s) 1-10, and ¶0065 line(s) 5-8**); and
 - ix. an identifier (**advertisement**) that indicates to the plurality of users that the target comprises the memory assembly and transmitter (**¶0028 line(s) 4-7**); and
 - x. a hand-held transceiver (**fig. 1 #118-122**);
 - xi. whereby a respective interested user upon seeing the display **fig. 1 #112**) and graphic identifier (**advertisement**) may use a respective hand-held transceiver (**fig. 1 #118-#122**) to receive the information transmitted

by the target and selectively activate the information independent of the target (**¶0053 line(s) 3-4, 12-13**).

Liu et al. do not teach a storing, transmitting, or selectively activating a URL sent by a target.

In the same field of endeavor Mankoff teaches it is obvious to downloading/sending URLs to a hand-held transceiver by downloading a coupon from a client (target) to a PDA (hand-held transceiver), that includes contact information associated with the coupon provider (e.g. address, web site URL, map and email information) (**Col. 3 line(s) 55-62, Col. 4 line(s) 18-20, 23-25**). Furthermore, the URL can be selected without being in contact with the target (**Col. 4 line(s) 25-28, 35-36**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system with Mankoff's teaching as discussed above to allow for the capability of downloading requested information and associated contact information for future contacting.

31. In regards to claim 12 Liu et al. discloses, wherein the information display is a clothing display and the clothing is enabled to transmit the URL (**¶0027 line(s) 1-2, teach that the information displayed on the billboard is an advertisement in which is received from various sponsor or advertisers. Therefore it is obvious that the display displays clothing advertisement since advertising clothing on billboards**

are known in the art.).

32. In regards to claim 13 Liu et al. discloses, wherein the transmitter assembly comprises a radio frequency transmitter or an infrared transmitter **(fig. 1 #116 and ¶0025 line(s) 5-6).**

33. In regards to claims 16 and 26 Liu et al. discloses, wherein the hand-held transceiver is a cellular phone **(fig.1 #120)**, personal data assistant **(fig.1 #118)**, or laptop computer **(fig.1 #122).**

34. In regards to claim 20 Liu et al. discloses, wherein the information may be received **(fig. 7B and ¶0053 line(s) 1-4)**, previewed **(fig. 7B and ¶0053 line(s) 1-4)**, stored **(¶0053 line(s) 1-4, 9)**, activated **(¶0053 line(s) 1-4,10)**, or transferred by a respective user using a respective hand-held transceiver.

Liu et al. do not teach wherein a URL received, previewed, stored, activated, or transferred by a respective user using a respective hand-held transceiver.

In the same field of endeavor Mankoff teaches it is obvious to downloading/sending URLs to a hand-held transceiver by downloading a coupon from a client (target) to a PDA (hand-held transceiver), that includes contact information associated with the coupon provider (e.g. address, web site URL, map and email information) **(Col. 3 line(s) 55-62, Col. 4 line(s) 18-20, 23-25).** Wherein the web site URL is stored in a contact file **(Col. 4 line(s) 24-25).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system with Mankoff's teaching as discussed above to allow for the capability of downloading requested information and stored related contact information for future contacting.

35. In regards to claim 22 Liu et al. discloses, wherein the information display is one of a plurality of store displays (**fig. 1 #112 and ¶0058 line(s) 7-8**), and a website hub controls (**fig. 1 #108 and ¶0056**) the rotation of URLs to said plurality of store display by time of day (**¶0057 line(s) 8-16**) or by store depending on respective locations and time zones (**¶0057 8-16**).

36. In regards to claim 23 Liu et al. discloses, wherein the URL information is on a timer system (**fig. 10 and ¶0062 line(s) 1-5**).

37. In regards to claim 30 Liu et al. discloses, further comprising data mining of users who initiate communication with the transmitter (**¶0065 line(s) 5-12**).

38. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable Liu et al. (US PGPub 2002/0077896), in view of Mankoff (US 6,385,591) as applied to claim 1 above, and further in view of Miyazawa (US PGPub 2002/0047868).

39. In regards to claim 2 neither Liu et al. nor Mankoff teaches wherein the information display is an electronic display, an icon resides on the electronic display, and information in the icon is accessible with an air mouse to place the URL into the browser of the user's home computer.

In the same field of endeavor Miyazawa's teach posting messages on an electronic bulletin board, in an icon format, that is accessible by a plurality of users using their cellular phone (air mouse) to retrieve the information to be viewed (**¶0040 line(s) 3-5**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system and Mankoff's method and system for electronic organization of coupons with Miyazawa's teaching as discussed above to allow for the capability of displaying a message in an icon format to save space and only allowing the desired person(s) to view the content of the icon.

40. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US PGPub 2002/0077896), in view of Mankoff (US 6,385,591), in view of Miyazawa (US PGPub 2002/0047868) as applied to claim 2 above, and further in view of Billmaier (US 7,237,252)

41. In regards to claim 3 neither Liu et al., Mankoff's, nor Miyazawa's teach wherein the icon appears on a television commercial and the URL is utilized for an instant purchase to be billed according to information stored in the hand-held transceiver.

In the same field of endeavor Billmaier's teach the ability to purchase products that are shown on television either through a schedule TV show or commercial, by clicking on an icon **(fig. 5 and abstract)**.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system and Mankoff's method and system for electronic organization of coupons and Miyazawa's electronic bulletin board and bulletin board system with Billmaier's teaching as discussed above to allow for the capability of giving the user the commerce opportunity to view product information and instantly buying via a hand-held transceiver actions that would otherwise been ignored.

42. Claims 4, 9, 15, 19, 24, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US PGPub 2002/0077896), in view of Mankoff (US 6,385,591) as applied to claims 1, 11, and 21 above, and further in view of Fisher et al (US PGPub 2001/0051900).

43. In regards to claims 4 and 24 Liu et al. do not teach, wherein the transmitter is an active transmitter, whereby the URL is substantially constantly available to the plurality of interested users.

In the same field of endeavor Fisher et al. teach an interactive advertising display that provides requested information to customers via a hand-held transceiver. Wherein the transmitter is an active transmitter, since it is continuously updated based on a set time by the server (**¶0046**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system and Mankoff's method and system for electronic organization of coupons with Fisher et al. teaching as discussed above to allow for the capability of keeping the stored information updated.

44. In regards to claims 9, 19, and 29 neither Liu et al. nor Mankoff teaches wherein the URL is transmitted with a filtering code adapted to be used in respective hand-held transceiver to avoid receiving interference or incorrect information.

In the same field of endeavor Fisher et al. teach an interactive advertising display that provides requested information to customers via a hand-held transceiver. Wherein the advertising uses a code that is downloaded to the user's device, to access information pertaining to the requested information (**¶0049 line(s) 1-11 and ¶0060 line(s) 1-6**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system and Mankoff's method and system for electronic organization of coupons with Fisher et al. teaching as discussed above to allow for the capability of appending a filtering code to a URL for users if they would like to receive only information about this advertisement again at any of the same logo displays.

45. In regards to claim 15 neither Liu et al. nor Mankoff's wherein the transmitter is a passive radio frequency tag, whereby the respective hand-held transceiver is adapted to provide energy that activates the transmitter.

In the same field of endeavor Fisher et al. teach an interactive advertising display that provides requested information to customers via a hand-held transceiver. Wherein the advertising uses a code (tag) that is downloaded to the user's device, to send to a

transmitter access information pertaining to the requested information (**¶0049 line(s) 5-9**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system and Mankoff's method and system for electronic organization of coupons with Fisher et al. teaching as discussed above to allow for the capability of appending a filtering code to a URL for users if they would like to receive only information about this advertisement again at any of the same logo displays.

46. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US PGPub 2002/0077896), in view of Mankoff (US 6,385,591) as applied to claim 1 above, and further in view of "Cellular Phone with Auto Dialing" by IBM Technical Disclosure Bulletin (hereinafter IBM).

47. In regards to claim 6 Liu et al. discloses, wherein the hand-held transceiver is a cellular phone (**fig.1 #120**), personal data assistant (**fig.1 #118**), or laptop computer (**fig.1 #122**).

Neither Liu et al. nor Mankoff teaches adapted to enable auto-dial of at least one phone number embedded with the URL transmitted by the target.

In the same field of endeavor IBM teach a cellular phone receiving a phone number and automatically dialing without user intervention (**¶2 line(s) 1-4**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system and Mankoff's method and system for electronic organization of coupons with IBM teaching as discussed above to allow for the capability of having a cellular phone (hand-held transceiver) to be enabled to auto-dial to take out the human factor of a mistake.

48. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US PGPub 2002/0077896), in view of Mankoff (US 6,385,591) as applied to claim 11 above, and further in view of Sepanaho (US PGPub 2002/0022961).

49. In regards to claim 11 neither Liu et al. nor Mankoff teaches wherein the transmitter is an active radio frequency tag transmitter, whereby the URL is substantially constantly available to the plurality of interested users.

In the same field of endeavor Sepanaho's teach broadcasting URLs to devices carried by users that desire to receive the locale related information. Wherein the broadcasting is done by using an active radio frequency tag transmitter (**¶0006**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu et al. method and apparatus for an electronic billboard system and Mankoff's method and system for electronic organization of coupons with Sepanaho's teaching as discussed above to allow for the capability of

transmitting information to those devices that desire and adapted to receive the information.

Conclusion

50. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2453

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/
Examiner, Art Unit 2453